

1 flood to standards and efficiency similar to those previously existing immediately  
2 before the damage or destruction, and also an estimate of the cost of reconstructing  
3 the facilities to a higher type or improving any such facilities if determined to be  
4 warranted and advisable. Except as provided in sub. subs. (2m) and (6), the amount  
5 of aid payable for damage caused by a disaster described in sub. (1g) (b) 1. shall be  
6 ~~three-fourths~~ 75 percent of the cost of repair or replacement to standards similar to  
7 those previously existing immediately before the damage or destruction, plus 50%  
8 of the increased cost of the reconstruction to a higher type or the improvement of any  
9 of the facilities. Except as provided in subs. (2m) and (6), the amount of aid payable  
10 for damage caused by a disaster described in sub. (1g) (b) 2. shall be 70 percent of the  
11 cost of repair or replacement to standards similar to those existing immediately  
12 before the damage or destruction. The department may revise estimates on the basis  
13 of additional facts. The county, town, village, or city shall pay the remainder of the  
14 cost not allowed as aid, but this shall not invalidate any other provision of the  
15 statutes whereby the cost may be shared by the county and the town, village, or city.

16 **SECTION 1586.** 86.34 (2m) of the statutes is amended to read:

17 86.34 **(2m)** If Subject to sub. (6), if the department's estimate under sub. (2) of  
18 the cost of repair or improvement of the facilities determined by the department to  
19 be eligible for aid is \$15,000 or less, the department shall offer the petitioner an  
20 amount of aid equal to 75% of the total amount of the department's estimate for  
21 damage caused by a disaster described in sub. (1g) (b) 1. or 70 percent of the total  
22 amount of the department's estimate for damage caused by a disaster described in  
23 sub. (1g) (b) 2. If the petitioner accepts aid under this subsection, the aid shall be paid  
24 to the petitioner or, subject to sub. (5), the county, and no other form of aid is available  
25 under this section for the repair or improvement of such facilities.

1           **SECTION 1587.** 86.34 (6) of the statutes is created to read:

2           86.34 **(6)** (a) The department may not pay aid under this section in excess of  
3           \$1,000,000, in connection with disaster damage resulting from a single disaster,  
4           unless the payment of aid is approved by the governor and approved as provided in  
5           par. (b).

6           (b) If the department proposes to pay aid under this section in excess of  
7           \$1,000,000, in connection with disaster damage resulting from a single disaster, the  
8           department shall notify the joint committee on finance in writing of the proposed  
9           payment. If the cochairpersons of the committee do not notify the department that  
10          the committee has scheduled a meeting for the purpose of reviewing the proposed  
11          payment within 14 working days after the date of the department's notification, the  
12          department may consider the proposed payment approved for purposes of par. (a).  
13          If, within 14 working days after the date of the department's notification, the  
14          cochairpersons of the committee notify the department that the committee has  
15          scheduled a meeting for the purpose of reviewing the proposed payment, the  
16          proposed payment is not approved for purposes of par. (a) unless it is expressly  
17          approved by the committee.

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18          **SECTION 1587m.** 86.34 (7) of the statutes is created to read:

19          86.34 **(7)** Beginning in the 2nd fiscal year of the 2013–15 fiscal biennium, and  
20          in the 2nd fiscal year of each fiscal biennium thereafter, the department shall  
21          calculate the amount of aid paid under this section, during the biennium, in excess  
22          of \$1,000,000, in connection with disaster damage resulting from a single disaster.  
23          The amount calculated under this subsection shall be transferred under s. 20.855 (4)  
24          (fr) from the general fund to the transportation fund in the 2nd fiscal year of each  
25          fiscal biennium.

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1           **SECTION 1587p.** 91.01 (15) (intro.) of the statutes is amended to read:

2           91.01 (15) (intro.) “Farmland preservation agreement” means any of the  
3 following agreements between an owner of land and the department under which the  
4 owner agrees to restrict the use of land in return for tax credits or grants:

5           **SECTION 1587pe.** 91.64 (1) of the statutes is amended to read:

6           91.64 (1) SUBMITTING AN APPLICATION. An owner who wishes to enter into a  
7 farmland preservation agreement shall submit an application signed by the owner  
8 and each person required to be identified under sub. (2) (f), on a form provided by the  
9 department, to the county clerk of the county in which the land is located.

10          **SECTION 1587pg.** 91.64 (2) (g) of the statutes is repealed.

11          **SECTION 1587q.** 91.80 of the statutes is amended to read:

12          **91.80 Soil and water conservation by persons claiming tax credits or**  
13 **applying for grants.** An owner claiming farmland preservation tax credits under  
14 s. 71.613 or applying for a grant under s. 91.90 shall comply with applicable land and  
15 water conservation standards promulgated by the department under ss. 92.05 (3) (c)  
16 and (k), 92.14 (8), and 281.16 (3) (b) and (c).

17          **SECTION 1587r.** 91.82 (1) (b) of the statutes is amended to read:

18          91.82 (1) (b) For the purpose of par. (a), a county land conservation committee  
19 shall inspect each farm for which the owner claims farmland preservation tax credits  
20 under subch. IX of ch. 71 or applies for grants under s. 91.90 at least once every 4  
21 years.

22          **SECTION 1587s.** 91.82 (2) (b) of the statutes is amended to read:

23          91.82 (2) (b) A county land conservation committee shall provide to the  
24 department of revenue and the department of agriculture, trade and consumer  
25 protection a copy of each notice of noncompliance issued under par. (a).

SECTION 1587t. Subchapter VII of chapter 91 [precedes 91.90] of the statutes is created to read:

## CHAPTER 91

### SUBCHAPTER VII

#### FARMLAND PRESERVATION GRANTS

##### 91.90 Farmland preservation grants. (1) DEFINITIONS. In this section:

(a) “Eligible farm” means a farm that has produced at least \$6,000 in gross farm revenues during the taxable year to which an application relates or, in the taxable year to which the application relates and the 2 immediately preceding taxable years, at least \$18,000 in gross farm revenues.

(b) “Household” means an individual and his or her spouse and all minor dependents.

(c) “Qualifying acres” means the number of acres of a farm that correlate to an applicant’s percentage of ownership interest in a farm to which one of the following applies:

1. The farm is wholly or partially covered by a farmland preservation agreement, except that if the farm is only partially covered, the qualifying acres

calculation includes only those acres that are covered by a farmland preservation agreement.

2. The farm is located in a farmland preservation zoning district at the end of the taxable year to which the application relates.

3. If the applicant transferred the applicant’s ownership interest in the farm during the taxable year to which the application relates, the farm was wholly or partially covered by a farmland preservation agreement, or the farm was located in a farmland preservation zoning district, on the date on which the applicant

1 transferred the ownership interest. For the purposes of this subdivision, a land  
2 contract is a transfer of ownership interest.

3 (2) ELIGIBLE APPLICANT. An owner of farmland, domiciled in this state during  
4 the entire taxable year to which an application under this section relates, is eligible  
5 for a grant under this section, subject to the following:

6 (a) If 2 or more individuals of a household are able to qualify individually as  
7 an applicant, they may determine between them who the applicant will be. If they  
8 are unable to agree, the matter shall be referred to the secretary of agriculture, trade  
9 and consumer protection, whose decision is final.

10 (b) If any person in a household has claimed or will claim credit under subch.  
11 VIII of ch. 71, all persons from that household are ineligible to receive a grant under  
12 this section for the year to which the credit under subch. VIII of ch. 71 pertains.

13 (c) For partnerships, except publicly traded partnerships treated as  
14 corporations under s. 71.22 (1k), each individual partner is an eligible applicant.

15 (d) For limited liability companies, except limited liability companies treated  
16 as corporations under s. 71.22 (1k), each individual member is an eligible applicant.

17 (e) For purposes of filing an application under this section, the personal  
18 representative of an estate and the trustee of a trust are considered owners of  
19 farmland. The estate of a person who is a nonresident of this state on the person's  
20 date of death, a trust created by a nonresident person, a trust that receives Wisconsin  
21 real property from a nonresident person, or a trust in which a nonresident settlor  
22 retains a beneficial interest is not an eligible applicant under this section.

23 (f) For purposes of this section, when land is subject to a land contract, the  
24 eligible applicant is the vendee under the contract.

(g) For purposes of this section, when a guardian has been appointed in this state for a ward who owns the farmland, the eligible applicant is the guardian on behalf of the ward.

(h) For a tax-option corporation, each individual shareholder is an eligible applicant.

**(3) GRANTS.** Subject to sub. (5) and the limitations and conditions in sub. (4), if a person who is an eligible applicant under sub. (2) applies for a grant under this section, the department shall pay the person a grant in an amount calculated by multiplying the number of the person's qualifying acres by one of the following:

(a) Ten dollars, if the qualifying acres are located in a farmland preservation zoning district and are also subject to a farmland preservation agreement that is entered into after July 1, 2009.

(b) Seven dollars and 50 cents, if the qualifying acres are located in a farmland preservation zoning district but are not subject to a farmland preservation agreement that is entered into after July 1, 2009.

(c) Five dollars, if the qualifying acres are subject to a farmland preservation agreement that is entered into after July 1, 2009, but are not located in a farmland preservation zoning district.

**(4) LIMITATIONS AND CONDITIONS.** (a) The department may not pay a grant under this section unless all of the following apply:

1. The grant relates to a taxable year that begins after December 31, 2013.

2. The applicant certifies to the department that the applicant has paid, or is legally responsible for paying, the property taxes levied against the qualifying acres to which the application relates.

1           3. The applicant certifies to the department that at the end of the taxable year  
2 to which the application relates or on the date on which the person transferred the  
3 person's ownership interest in the farm, if the transfer occurs during the taxable year ✓  
4 to which the application relates, there was no outstanding notice of noncompliance ✓  
5 issued against the farm under s. 91.82 (2). *eligible*

6           4. The applicant submits to the department a certification of compliance with  
7 soil and water conservation standards, as required by s. 91.80, issued by the county  
8 land conservation committee unless, in the last preceding year, the applicant  
9 received a tax credit under ss. 71.57 to 71.61 or s. 71.613 or a grant under this section  
10 for the same farm.

11           (b) If a farm is jointly owned by 2 or more persons who file separate income or ✓  
12 franchise tax returns, each person may receive a grant under this section based on ✓  
13 the person's ownership interest in the farm. *eligible*

14           (c) If a person acquires or transfers ownership of a farm during a taxable year ✓  
15 for which an application may be filed under this section, the person may apply for ✓  
16 a grant under this section based on the person's liability for the property taxes levied  
17 on the person's qualifying acres for the taxable year to which the application relates. *an eligible*

18           (d) A person shall apply for a grant under this section on a form prepared by  
19 the department and shall submit any documentation required by the department.  
20 On the application form, the applicant shall certify all of the following:

21           1. The number of qualifying acres for which the application is made.  
22           2. The location and tax parcel number for each parcel on which the qualifying  
23 acres are located.

24           3. That the qualifying acres are covered by a farmland preservation agreement  
25 or located in a farmland preservation zoning district, or both.

AA3 ① 4. That the qualifying acres are part of a farm that complies with applicable  
state soil and water conservation standards, as required by s. 91.80. ✓✓

(e) A person is not eligible for a grant under this section unless the person  
applies for the grant within one year after the end of the taxable year to which the  
application relates.

(5) INELIGIBILITY DUE TO FRAUDULENT OR RECKLESS APPLICATION. (a) In this  
subsection:

1. “Fraudulent application” means an application for a grant under this  
section, filed by a person, that is false or excessive and filed with fraudulent intent,  
as determined by the department.

2. “Reckless application” means an application for a grant under this section,  
filed by a person, that is improper, due to reckless or intentional disregard of the  
provisions of this section or of rules of the department, as determined by the  
department.

(b) 1. A person who files a fraudulent application may not file an application  
for a grant under this section for 10 successive taxable years, beginning with the  
taxable year that begins immediately after the taxable year to which the fraudulent  
application relates.

2. A person who files a reckless application may not file an application for a  
grant under this section for 2 successive taxable years, beginning with the taxable  
year that begins immediately after the taxable year to which the reckless application  
relates.

(c) After the period described under par. (b) during which a person may not file  
an application for a grant under this section, he or she may file an application for a



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✓✓

1 grant under this section, subject to any requirements that the department may  
2 impose on the individual to demonstrate that he or she is eligible for the grant.

3 **SECTION 1588.** 93.02 of the statutes is amended to read:

4 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out  
5 of the duties of the department, all of whom shall be under the classified service  
6 except the deputy secretary, the ~~executive~~ assistant deputy secretary, and, subject  
7 to s. 230.08 (4) (a), the administrators of divisions. Each such deputy secretary,  
8 ~~executive~~ assistant deputy secretary, or administrator shall be appointed by the  
9 secretary with the approval of the board.

10 **SECTION 1589.** 93.135 (title) of the statutes is amended to read:

11 **93.135 (title) License denial, nonrenewal, suspension or restriction**  
12 **based on failure to pay support or taxes.**

13 **SECTION 1590.** 93.135 (1) (rg) of the statutes is created to read:

14 93.135 (1) (rg) A certification or registration under s. 168.23 (3).

15 **SECTION 1591.** 93.135 (4) of the statutes is created to read:

16 93.135 (4) The department shall deny an application for the issuance or  
17 renewal of certification or registration under s. 168.23 (3), or shall suspend or restrict  
18 such a certification or registration, if the department of revenue certifies under s.  
19 73.0301 that the holder of the certification or registration is liable for delinquent  
20 taxes.

21 **SECTION 1592.** 93.40 (1) (g) of the statutes is amended to read:

22 93.40 (1) (g) Promote the growth of the dairy industry through research,  
23 planning, and assistance, including grants and loans to dairy producers and grants  
24 to persons operating processing plants.

25 **SECTION 1592g.** 93.48 (1) of the statutes is amended to read:

93.48 (1) The department may award grants from the appropriation under s. 20.115 (4) (am) to individuals or organizations to fund projects that are designed to increase the sale of agricultural products grown in this state that are purchased in close proximity to where they are produced. The department may not award a grant under this section unless the applicant contributes matching funds equal to at least 50 percent of the costs of the project. The department shall promulgate rules for the program under this section.

**SECTION 1593.** 93.60 of the statutes is repealed.

**SECTION 1593gd.** 94.64 (3r) (b) of the statutes is amended to read:

94.64 (3r) (b) Beginning with the license year that begins on August 15, 2007 2013, a person applying for a license under sub. (3) shall pay the following agricultural chemical cleanup surcharges, unless the department establishes different surcharges under s. 94.73 (15) ~~after October 27, 2007~~:

1. For each business location and each mobile unit that the applicant uses to manufacture fertilizer in this state, other than a business location or mobile unit that is also licensed under s. 94.685 or 94.703, ~~\$14~~ \$11.20.

2. If the applicant distributes, but does not manufacture, fertilizer in this state, ~~\$14~~ \$11.20.

**SECTION 1593gh.** 94.64 (4) (a) 1. of the statutes is amended to read:

94.64 (4) (a) 1. A basic fee of ~~23~~ 30 cents per ton for fertilizer sold or distributed beginning on ~~October 29, 1999~~ July 1, 2001, and ending on June 30, ~~2001~~ 2012, and ~~30~~ 23 cents per ton for fertilizer sold or distributed after June 30, ~~2001~~ 2012, with a minimum fee of \$25.

**SECTION 1593gj.** 94.64 (4) (a) 2. of the statutes is amended to read:

94.64 (4) (a) 2. A research fee of ~~10~~ 17 cents per ton, with a minimum fee of \$1.

1           **SECTION 1593gm.** 94.64 (4) (a) 5. of the statutes is amended to read:

2           94.64 (4) (a) 5. An agricultural chemical cleanup surcharge of ~~44~~ 35 cents per  
3           ton on all fertilizer that the person sells or distributes in this state after June 30, ~~2007~~  
4           2014, unless the department establishes a different surcharge under s. 94.73 (15)  
5           ~~after October 27, 2007.~~

6           **SECTION 1593he.** 94.681 (3) (a) of the statutes is amended to read:

7           94.681 (3) (a) If the applicant sells less than \$25,000 of the product during the  
8           payment period for use in this state, ~~\$3.50~~ \$2.80.

9           **SECTION 1593hg.** 94.681 (3) (b) of the statutes is amended to read:

10          94.681 (3) (b) If the applicant sells at least \$25,000 but less than \$75,000 of that  
11          product during the payment period for use in this state, ~~\$120~~ \$96.

12          **SECTION 1593hi.** 94.681 (3) (c) of the statutes is amended to read:

13          94.681 (3) (c) If the applicant sells at least \$75,000 of that product during the  
14          payment period for use in this state, an amount equal to ~~0.75~~ 0.60 percent of gross  
15          revenues from sales of the product during the payment period for use in this state.

16          **SECTION 1593ic.** 94.685 (3) (a) 2. of the statutes is amended to read:

17          94.685 (3) (a) 2. An agricultural chemical cleanup surcharge of ~~\$28~~ \$22.40,  
18          unless the department establishes a different surcharge under s. 94.73 (15) ~~after~~  
19          ~~October 27, 2007.~~

20          **SECTION 1593im.** 94.703 (3) (a) 2. of the statutes is amended to read:

21          94.703 (3) (a) 2. An agricultural chemical cleanup surcharge of ~~\$38~~ \$30.40,  
22          unless the department establishes a different surcharge under s. 94.73 (15) ~~after~~  
23          ~~October 27, 2007.~~

24          **SECTION 1593is.** 94.704 (3) (a) 2. of the statutes is amended to read:

1           94.704 (3) (a) 2. An agricultural chemical cleanup surcharge of \$14 ~~\$11.20~~,  
2           unless the department establishes a different surcharge under s. 94.73 (15) after  
3           ~~October 27, 2007~~.

4           **SECTION 1593km.** 94.73 (3m) (w) of the statutes is created to read:

5           94.73 (3m) (w) The cost of corrective action taken in response to a discharge  
6           from a bulk storage facility, owned or operated by a person who manufactures or  
7           distributes fertilizer or pesticide, that is located on property on which no bulk storage  
8           facility was located before the effective date of this paragraph .... [LRB inserts date],  
9           unless the person filed construction plans for the bulk storage facility with the  
10          department before the effective date of this paragraph .... [LRB inserts date].

11          **SECTION 1593L.** 94.73 (9) of the statutes is repealed.

12          **SECTION 1593v.** 98.04 (2) of the statutes is amended to read:

13          98.04 (2) A municipality that is required to establish a department of weights  
14          and measures under sub. (1) may contract with the department of agriculture, trade,  
15          and consumer protection to enforce the provisions of this chapter within the  
16          municipality's jurisdiction instead of establishing its own department if the  
17          department of agriculture, trade and consumer protection agrees to enter into such  
18          a contract. The department of agriculture, trade and consumer protection may  
19          charge the municipality fees sufficient to cover the department's costs under the  
20          contract. A municipality may recover an amount not to exceed the cost of these fees  
21          by assessing fees on the persons who receive services under the weights and  
22          measures program. A municipality that is required to establish a department of  
23          weights and measures under sub. (1) may contract with a private weights and  
24          measures service provider licensed under s. 98.18 to enforce the provisions of this  
25          chapter within the municipality's jurisdiction instead of establishing its own

1 department. A municipality may recover an amount not to exceed the cost it incurs  
2 under a contract with a private weights and measures service provider by assessing  
3 fees on the persons who receive services under the weights and measures program.

4 **SECTION 1594.** 98.246 (1) of the statutes is amended to read:

5 98.246 (1) In this section, “petroleum products” has the meaning given under  
6 s. ~~168.03~~ 168.01 (3).

7 **SECTION 1594g.** 100.209 (2) (e) 1. of the statutes is repealed.

8 **SECTION 1594r.** 100.209 (2) (e) 2. of the statutes is renumbered 100.209 (2) (e)  
9 and amended to read:

10 100.209 (2) (e) If a multichannel video provider intends to disconnect a  
11 subscriber’s video programming service, or a portion of that service, the  
12 multichannel video provider shall give the subscriber at least 10 days’ advance  
13 written notice of the disconnection. A multichannel video provider is not required  
14 to give the notice under this ~~subdivision~~ paragraph if the disconnection is requested  
15 by the subscriber, is necessary to prevent theft of video programming service or is  
16 necessary to reduce or prevent signal leakage, as described in 47 CFR 76.611.

17 **SECTION 1595.** 101.02 (18m) of the statutes is renumbered 93.06 (1pm) and  
18 amended to read:

19 **93.06 (1pm) TESTING OF PETROLEUM PRODUCTS.** The department may perform,  
20 or contract for the performance of, testing of petroleum products other than testing  
21 provided under ch. 168. The department may establish a schedule of fees for such  
22 petroleum product testing services. The department shall credit all revenues  
23 received from fees established under this subsection to the appropriation account  
24 under s. ~~20.165 (2) (ga)~~ 20.115 (1) (gc). Revenues from fees established under this

1 subsection may be used by the department to pay for testing costs, including  
2 laboratory supplies and equipment amortization, for such products.

3 **SECTION 1597.** 101.02 (20) (a) of the statutes is amended to read:

4 101.02 (20) (a) For purposes of this subsection, “license” means a license,  
5 permit, or certificate of certification or registration issued by the department for an  
6 occupation or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~,  
7 ~~101.147~~, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),  
8 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,  
9 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,  
10 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under  
11 ch. 101 or 145.

12 **SECTION 1598.** 101.02 (21) (a) of the statutes is amended to read:

13 101.02 (21) (a) In this subsection, “license” means a license, permit, or  
14 certificate of certification or registration issued by the department for an occupation  
15 or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~, ~~101.147~~, 101.15  
16 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73  
17 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2),  
18 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
19 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

20 **SECTION 1599.** 101.02 (24) (a) 2. of the statutes is amended to read:

21 101.02 (24) (a) 2. “License” means a license, permit, or certificate of  
22 certification or registration issued by the department for an occupation or profession  
23 under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), ~~101.143 (2) (g)~~, ~~101.147~~, 101.15 (2) (e), 101.16  
24 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654,  
25 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,

1 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
2 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

3 **SECTION 1599n.** 101.055 (2) (a) of the statutes is amended to read:

4 101.055 (2) (a) “Agency” means an office, department, independent agency,  
5 authority, institution, association, society, or other body in state government created  
6 or authorized to be created by the constitution or any law, and includes the  
7 legislature and the courts, ~~but excludes the Health Insurance Risk-Sharing Plan~~  
8 ~~Authority.~~

9 **SECTION 1599p.** 101.055 (3) (a) of the statutes is amended to read:

10 101.055 (3) (a) The department shall adopt, by administrative rule, standards  
11 to protect the safety and health of public employees. The standards shall provide  
12 protection at least equal to that provided to private sector employees under  
13 standards promulgated by the federal occupational safety and health  
14 administration, but no rule may be adopted by the department which defines a  
15 substance as a “toxic substance” solely because it is listed in the latest printed edition  
16 of the national institute for occupational safety and health registry of toxic effects of  
17 chemical substances. The department shall revise the safety and health standards  
18 adopted for public employees as necessary to provide protection at least equal to that  
19 provided to private sector employees under federal occupational safety and health  
20 administration standards, except as otherwise provided in this paragraph.  
21 Notwithstanding ss. 35.93 and 227.21, if the standards adopted by the department  
22 are identical to regulations adopted by a federal agency, the standards need not be  
23 duplicated published in full in the Wisconsin administrative code and register as  
24 provided in ss. 35.93 and 227.21 if the identical federal regulations are made  
25 available to the public at a reasonable cost, and promulgated in accordance with ch.

227, except s. 227.21, ~~and distributed in accordance with s. 35.84.~~ The department may provide to the legislative reference bureau one or more Web addresses to provide electronic access to any standards adopted under this paragraph for publication in conjunction with the publication of the Wisconsin administrative code and register under s. 35.93.

**SECTION 1600.** 101.09 (title) of the statutes is repealed.

**SECTION 1601.** 101.09 (1) (intro.) of the statutes is renumbered 168.21 (intro.) and amended to read:

**168.21 Definitions.** (intro.) In this section subchapter:

**SECTION 1602.** 101.09 (1) (a) of the statutes is renumbered 168.21 (1).

**SECTION 1603.** 101.09 (1) (am) of the statutes is renumbered 168.21 (3).

**SECTION 1604.** 101.09 (1) (b) of the statutes is renumbered 168.21 (4).

**SECTION 1605.** 101.09 (1) (c) of the statutes is renumbered 168.21 (5).

**SECTION 1606.** 101.09 (1) (cm) of the statutes is renumbered 168.21 (6).

**SECTION 1607.** 101.09 (1) (d) of the statutes is renumbered 168.21 (7).

**SECTION 1608.** 101.09 (2) (title) of the statutes is renumbered 168.22 (title).

**SECTION 1609.** 101.09 (2) (a) of the statutes is renumbered 168.22 (1) and amended to read:

**168.22 (1)** Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person who constructs, owns or controls a tank for the storage, handling or use of liquid that is flammable or combustible or a federally regulated hazardous substance shall comply with the standards adopted under ~~sub. (3)~~ s. 168.23.

**SECTION 1610.** 101.09 (2) (b) of the statutes is renumbered 168.22 (2) and amended to read:



1           168.22 (2) This ~~section~~ subchapter does not apply to storage tanks which  
2           require a hazardous waste license under s. 291.25.

3           **SECTION 1611.** 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and  
4           amended to read:

5           168.22 (3) This ~~section~~ subchapter does not apply to storage tanks which are  
6           installed above ground level and which are less than 5,000 gallons in capacity.

7           **SECTION 1612.** 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4)  
8           (intro.) and amended to read:

9           168.22 (4) (intro.) Any rules promulgated under ~~sub. (3)~~ s. 168.23 requiring an  
10          owner to test the ability of a storage tank, connected piping or ancillary equipment  
11          to prevent an inadvertent release of a stored substance do not apply to storage tanks  
12          that satisfy all of the following:

13          **SECTION 1613.** 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22  
14          (4) (a) to (c).

15          **SECTION 1614.** 101.09 (2) (d) of the statutes is renumbered 168.22 (5) and  
16          amended to read:

17          168.22 (5) This ~~section~~ subchapter does not apply to a pressurized natural gas  
18          pipeline system regulated under 49 CFR 192 and 193.

19          **SECTION 1615.** 101.09 (3) (title) of the statutes is renumbered 168.23 (title).

20          **SECTION 1616.** 101.09 (3) (a) of the statutes is renumbered 168.23 (1).

21          **SECTION 1617.** 101.09 (3) (b) of the statutes is renumbered 168.23 (2) and  
22          amended to read:

23          168.23 (2) The department may transfer any information which the  
24          department receives under ~~par. (a)~~ sub. (1) to any other agency or governmental unit.  
25          The department and any such agency shall treat the name of the owner and the

1 location of any noncommercial storage tank which stores heating oil for consumptive  
2 use on the premises, required to be submitted to the department under ~~par. (a) sub.~~  
3 (1), as confidential and shall not permit inspection or copying under s. 19.35 of any  
4 record containing the information.

5 **SECTION 1618.** 101.09 (3) (c) of the statutes is renumbered 168.23 (3) and  
6 amended to read:

7 168.23 (3) The rule promulgated under ~~par. (a) sub. (1)~~ may require the  
8 certification or registration of persons who install, remove, clean, line, perform  
9 tightness testing on and inspect tanks and persons who perform site assessments.  
10 Any rule requiring certification or registration shall also authorize the revocation or  
11 suspension of the certification or registration. The department may not require an  
12 individual who is eligible for the veterans fee waiver program under s. 45.44 to pay  
13 any fee that may be charged pursuant to such a rule.

14 **SECTION 1619.** 101.09 (3) (d) of the statutes is renumbered 168.23 (4) and  
15 amended to read:

16 168.23 (4) The department shall promulgate a rule specifying fees for plan  
17 review and inspection of tanks for the storage, handling, or use of flammable or  
18 combustible liquids and for any certification or registration required under ~~par. (e)~~  
19 sub. (3).

20 **SECTION 1620.** 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

21 **SECTION 1621.** 101.09 (3m) (a) of the statutes is renumbered 168.24 (1) and  
22 amended to read:

23 168.24 (1) In this ~~subsection~~ section, “hazardous substance” means a  
24 combustible liquid, a flammable liquid, or a federally regulated hazardous  
25 substance.

1           **SECTION 1622.** 101.09 (3m) (b) of the statutes is renumbered 168.24 (2) and  
2 amended to read:

3           168.24 (2) The department may not impose any requirement that specifies that  
4 pipe connections at the top of a storage tank and beneath all freestanding pumps and  
5 dispensers that routinely contain a hazardous substance be placed within secondary  
6 containment sumps, if the pipe connections were installed or in place on or before  
7 February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

8           **SECTION 1623.** 101.09 (4) (title) of the statutes is renumbered 168.25 (title).

9           **SECTION 1624.** 101.09 (4) (a) of the statutes is renumbered 168.25 (1) and  
10 amended to read:

11           168.25 (1) The department shall enforce this ~~section~~ subchapter.

12           **SECTION 1625.** 101.09 (4) (b) of the statutes is renumbered 168.25 (2) and  
13 amended to read:

14           168.25 (2) The department shall issue orders directing and requiring  
15 compliance with the rules and standards of the department adopted under this  
16 ~~section~~ subchapter whenever, in the judgment of the department, the rules or  
17 standards are threatened with violation, are being violated or have been violated.

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18           **SECTION 1626.** 101.09 (4) (c) of the statutes is renumbered 168.25 (3).

19           **SECTION 1627.** 101.09 (5) of the statutes is renumbered 168.26 and amended  
20 to read:

21           **168.26 Penalties.** Any person who violates this ~~section~~ subchapter or any rule  
22 or order adopted under this ~~section~~ subchapter shall forfeit not less than \$10 nor  
23 more than \$5,000 for each violation. Each violation of this ~~section~~ subchapter or any  
24 rule or order under this ~~section~~ subchapter constitutes a separate offense and each  
25 day of continued violation is a separate offense.

**SECTION 1628.** 101.1206 (1) of the statutes is amended to read:

101.1206 (1) The department shall establish statewide standards for erosion control at building sites that have a land disturbance that is less than one acre in area and that are for the construction of public buildings, as defined in s. 101.01 (12), and buildings that are places of employment, as defined in s. 101.01 (11).

**SECTION 1629.** 101.14 (5) (a) of the statutes is <sup>renumbered 168.23 (5) (a) and</sup> amended to read:

<sup>FA3 (6)</sup>  
<sup>FA3 (7)</sup> 101.14 <sup>e 168.23</sup> (5) (a) Subject to par. (b), in addition to any fee charged by the department by rule for plan review and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), the department shall collect a groundwater fee of \$100 for each plan review submittal. The moneys collected under this subsection shall be credited to the environmental fund for environmental management. ✓✓

<sup>FA3 (15)</sup>  
<sup>FA3 (16)</sup> **SECTION 1630.** 101.14 (5) (b) of the statutes is <sup>renumbered 168.23 (5) (b) and</sup> amended to read:

101.14 <sup>e 168.23</sup> (5) (b) Notwithstanding par. (a), an installation for the storage, handling or use of a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), that has a capacity of less than 1,000 gallons is not subject to the groundwater fee under par. (a). ✓✓

**SECTION 1631.** 101.142 (title) and (1) (intro.) of the statutes are renumbered 168.28 (title) and (1) (intro.).

**SECTION 1632.** 101.142 (1) (a) of the statutes is renumbered 168.28 (1) (a) and amended to read:

168.28 (1) (a) "Petroleum Notwithstanding s. 168.01 (3), "petroleum product" means materials derived from petroleum, natural gas, or asphalt deposits and

1 includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants,  
2 waxes, greases, and petrochemicals.

3 **SECTION 1633.** 101.142 (1) (b) and (2) of the statutes are renumbered 168.28  
4 (1) (b) and (2).

5 **SECTION 1634.** 101.143 (title) and (1) (intro.) and (ad) of the statutes are  
6 renumbered 292.63 (title) and (1) (intro.) and (ad).

7 **SECTION 1635.** 101.143 (1) (am) of the statutes is repealed.

8 **SECTION 1636.** 101.143 (1) (b) of the statutes is repealed.

9 **SECTION 1637.** 101.143 (1) (bm) to (i) of the statutes are renumbered 292.63 (1)  
10 (bm) to (i).

11 **SECTION 1638.** 101.143 (1m) of the statutes is renumbered 292.63 (1m).

12 **SECTION 1639.** 101.143 (2) (title) and (b) and (c) of the statutes are renumbered  
13 292.63 (2) (title) and (b) and (c).

14 **SECTION 1640.** 101.143 (2) (d) of the statutes is renumbered 292.63 (2) (d) and  
15 amended to read:

16 292.63 (2) (d) The department shall reserve a portion, not to exceed 20%, of the  
17 amount annually appropriated under s. ~~20.165 (2) (v)~~ 20.370 (6) (fr) for awards under  
18 this section to be used to fund emergency remedial action and claims that exceed the  
19 amount initially anticipated.

20 **SECTION 1641.** 101.143 (2) (e) to (g) of the statutes are renumbered 292.63 (2)  
21 (e) to (g).

22 **SECTION 1642.** 101.143 (2) (h) of the statutes is renumbered 292.63 (2) (h), and  
23 292.63 (2) (h) (intro.) and 3., as renumbered, are amended to read:

24 **292.63 (2) (h) (intro.)** The department of safety and professional services and  
25 the department of natural resources, jointly, shall promulgate rules designed to

1 facilitate effective and cost-efficient administration of the program under this  
2 section that specify all of the following:

3 3. Review procedures that must be followed by employees of the department  
4 of natural resources and the department of commerce in reviewing the information  
5 submitted under subd. 1.

6 **SECTION 1643.** 101.143 (2) (i) of the statutes is renumbered 292.63 (2) (i), and  
7 292.63 (2) (i) (intro.) and 1., as renumbered, are amended to read:

8 292.63 (2) (i) (intro.) The department of safety and professional services and  
9 the department of natural resources, jointly, shall promulgate rules specifying  
10 procedures for evaluating remedial action plans and procedures to be used by  
11 employees of the department of safety and professional services and the department  
12 of natural resources while remedial actions are being conducted. The departments  
13 department shall specify procedures that include all of the following:

14 1. Annual reviews that include application of the method in the rules  
15 promulgated under sub. (2e) (b) (a) to determine the risk posed by discharges that  
16 are the subject of the remedial actions.

17 **SECTION 1644.** 101.143 (2) (j) of the statutes is renumbered 292.63 (2) (j), and  
18 292.63 (2) (j) (intro.) and 1., as renumbered, are amended to read:

19 292.63 (2) (j) (intro.) The department of safety and professional services and  
20 the department of natural resources, jointly, shall promulgate rules specifying all of  
21 the following:

22 1. The conditions under which employees of the department of commerce and  
23 the department of natural resources must issue approvals under sub. (3) (c) 4.

24 **SECTION 1645.** 101.143 (2) (k) of the statutes is repealed.

25 **SECTION 1646b.** 101.143 (2) (L) of the statutes is repealed.

1           **SECTION 1647.** 101.143 (2e) (title) of the statutes is renumbered 292.63 (2e)  
2 (title).

3           **SECTION 1648.** 101.143 (2e) (a) of the statutes is renumbered 292.63 (2e) (a) and  
4 amended to read:

5           292.63 (2e) (a) ~~The department of safety and professional services and the~~  
6 ~~department of natural resources shall attempt to agree on~~ promulgate rules that  
7 specify a method, which shall include individualized consideration of the routes for  
8 migration of petroleum product contamination at each site, for determining the risk  
9 to public health, safety and welfare and to the environment posed by discharges for  
10 which the department of safety and professional services receives notification under  
11 sub. (3) (a) 3.

12           **SECTION 1649.** 101.143 (2e) (b) of the statutes is repealed.

13           **SECTION 1650.** 101.143 (2e) (c) of the statutes is renumbered 292.63 (2e) (c) and  
14 amended to read:

15           292.63 (2e) (c) ~~The department of natural resources or, if the discharge is~~  
16 ~~covered under s. 101.144 (2) (b), the department of safety and professional services~~  
17 ~~shall apply the method in the rules promulgated under par. (b) (a) to determine the~~  
18 ~~risk posed by a discharge for which the department of safety and professional~~  
19 ~~services receives notification under sub. (3) (a) 3.~~

20           **SECTION 1651.** 101.143 (2m) of the statutes is repealed.

21           **SECTION 1652.** 101.143 (3) (title) and (a) of the statutes are renumbered 292.63  
22 (3) (title) and (a), and 292.63 (3) (a) 4., 5. and 9., as renumbered, are amended to read:

23           292.63 (3) (a) 4. The owner or operator registers the petroleum product storage  
24 system or the home oil tank system is registered with the department of agriculture,  
25 trade and consumer protection under s. 101.09 168.23.

1           5. The owner or operator or the person reports the discharge in a timely manner  
2 to the division of emergency management in the department of military affairs or to  
3 the department of natural resources, according to the requirements under s. 292.11.

4           9. The owner or operator or the person follows standards for groundwater  
5 restoration in the groundwater standards in the rules promulgated by the  
6 department of natural resources under ss. 160.07 and 160.09 and restores the  
7 environment, to the extent practicable, according to those standards at the site of the  
8 discharge from a petroleum product storage system or home oil tank system.

9           **SECTION 1653.** 101.143 (3) (ae) of the statutes is renumbered 292.63 (3) (ae) and  
10 amended to read:

11           292.63 (3) (ae) *New systems.* An owner or operator or a person owning a home  
12 oil tank system is not eligible for an award under this section for costs incurred  
13 because of a petroleum product discharge from an underground petroleum product  
14 storage tank system or a home oil tank system that meets the performance standards  
15 in 40 CFR 280.20 or in rules promulgated by of the department of agriculture, trade  
16 and consumer protection relating to underground petroleum product storage tank  
17 systems installed after December 22, 1988, if the discharge is confirmed after  
18 December 31, 1995.

19           **SECTION 1654.** 101.143 (3) (ah) of the statutes is renumbered 292.63 (3) (ah)  
20 and amended to read:

21           292.63 (3) (ah) *New aboveground systems.* An owner or operator is not eligible  
22 for an award under this section for costs incurred because of a petroleum product  
23 discharge from a petroleum product storage system that is not an underground  
24 petroleum product storage tank system and that meets the performance standards  
25 in rules promulgated by of the department of agriculture, trade and consumer



1 protection relating to petroleum product storage systems that are not underground  
2 petroleum product storage tank systems and that are installed after April 30, 1991,  
3 if the discharge is confirmed after December 22, 2001.

4 **SECTION 1655.** 101.143 (3) (am) of the statutes is renumbered 292.63 (3) (am)  
5 and amended to read:

6 292.63 (3) (am) *Upgraded underground systems.* 1. An owner or operator or  
7 a person owning a home oil tank system is not eligible for an award under this section  
8 for costs incurred because of a petroleum product discharge from an underground  
9 petroleum product storage tank system or a home oil tank system if the discharge  
10 is confirmed after December 31, 1995, and the discharge is confirmed, or activities  
11 under par. (c) or (g) are begun with respect to that discharge, after the day on which  
12 the underground petroleum product storage tank system or home oil tank system  
13 first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
14 ~~promulgated by~~ of the department of agriculture, trade and consumer protection  
15 relating to the upgrading of existing underground petroleum product storage tank  
16 systems, except as provided in subd. 2.

17 2. If an underground petroleum product storage tank system or home oil tank  
18 system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
19 ~~promulgated by~~ of the department of agriculture, trade and consumer protection  
20 relating to the upgrading of existing underground petroleum product storage tank  
21 systems, after December 31, 1993, and the owner or operator or person owning the  
22 home oil tank system applies for private pollution liability insurance covering the  
23 underground petroleum product storage tank system or home oil tank system within  
24 30 days after the day on which the underground petroleum product storage tank  
25 system or home oil tank system first meets those upgrading requirements, then the

owner or operator or person remains eligible for an award for costs incurred because of a petroleum product discharge, from that underground petroleum product storage tank system or home oil tank system, which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before the 91st day after the day on which the underground petroleum product storage tank system or home oil tank system first meets those upgrading requirements.

**SECTION 1656.** 101.143 (3) (ap) of the statutes is renumbered 292.63 (3) (ap) and amended to read:

292.63 (3) (ap) *Upgraded aboveground systems.* An owner or operator is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system that is not an underground petroleum product storage tank system if the discharge is confirmed after December 22, 2001, and the discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that discharge, after the day on which the petroleum product storage system first meets the upgrading requirements in rules promulgated by of the department of agriculture, trade and consumer protection relating to the upgrading of existing petroleum product storage systems that are not underground petroleum product storage tank systems.

**SECTION 1657.** 101.143 (3) (av) of the statutes is renumbered 292.63 (3) (av) and amended to read:

292.63 (3) (av) *Claims submitted for petroleum product storage systems on tribal trust lands.* The owner or operator of a petroleum product storage system located on trust lands of an American Indian tribe may submit a claim for an award under sub. (4) if the owner or operator otherwise satisfies par. (a) and complies with the rules promulgated under this section and any other rules promulgated by of the

1 department of agriculture, trade and consumer protection concerning petroleum  
2 product storage systems.

3 **SECTION 1658.** 101.143 (3) (b), (bm) and (bn) of the statutes are renumbered  
4 292.63 (3) (b), (bm) and (bn).

5 **SECTION 1659.** 101.143 (3) (c) of the statutes is renumbered 292.63 (3) (c), and  
6 292.63 (3) (c) 4., as renumbered, is amended to read:

7 292.63 (3) (c) 4. Receive written approval from the department of natural  
8 resources or, if the discharge is covered under s. 101.144 (2) (b), from the department  
9 of safety and professional services that the remedial action activities performed  
10 under subd. 3. meet the requirements of s. 292.11.

11 **SECTION 1660.** 101.143 (3) (cm) of the statutes is renumbered 292.63 (3) (cm)  
12 and amended to read:

13 292.63 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
14 owning a home oil tank system may, with the approval of the department of natural  
15 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of  
16 safety and professional services, satisfy the requirements of par. (c) 2. and 3. by  
17 proposing and implementing monitoring to ensure the effectiveness of natural  
18 attenuation of petroleum product contamination.

19 **SECTION 1661.** 101.143 (3) (cp) of the statutes is renumbered 292.63 (3) (cp) and  
20 amended to read:

21 292.63 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. to 5. and  
22 5., if the department of natural resources or, if the site is covered under s. 101.144  
23 (2) (b), the department of safety and professional services estimates that the cost to  
24 complete a site investigation, remedial action plan and remedial action for an  
25 occurrence exceeds \$60,000, the department of safety and professional services shall

1 implement a competitive public bidding process to obtain information to assist in  
2 making the determination under par. (cs).

3 2. The department of ~~safety and professional services or the department of~~  
4 ~~natural resources~~ may waive the requirement under subd. 1. if an enforcement  
5 standard is exceeded in groundwater within 1,000 feet of a well operated by a public  
6 utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide  
7 water for human consumption.

8 5. The department of ~~safety and professional services or the department of~~  
9 ~~natural resources~~ may waive the requirement under subd. 1. after providing notice  
10 to the ~~other department~~ secretary of administration.

11 6. The department of ~~safety and professional services~~ may disqualify a bid  
12 received under subd. 1. if, based on information available to the department and  
13 experience with remedial action at other sites, the bid is unlikely to establish an  
14 amount to sufficiently fund remedial action that will comply with par. (c) 3. and with  
15 enforcement standards.

16 7. The department of ~~safety and professional services~~ may disqualify a person  
17 from submitting bids under subd. 1. if, based on past performance of the bidder, the  
18 department determines that the person has demonstrated an inability to complete  
19 remedial action within established cost limits.

20 **SECTION 1662.** 101.143 (3) (cs) (title) of the statutes is renumbered 292.63 (3)  
21 (cs) (title).

22 **SECTION 1663.** 101.143 (3) (cs) 1. of the statutes is renumbered 292.63 (3) (cs)  
23 1. and amended to read:

24 292.63 (3) (cs) 1. The department of ~~safety and professional services~~ shall  
25 review the remedial action plan for a site ~~that is classified as low or medium risk~~

1     ~~under s. 101.144~~ and shall determine the least costly method of complying with par.  
2     (c) 3. and with enforcement standards. The department shall notify the owner or  
3     operator of its determination of the least costly method and shall notify the owner  
4     or operator that reimbursement for remedial action under this section is limited to  
5     the amount necessary to implement that method.

6           **SECTION 1664.** 101.143 (3) (cs) 2. of the statutes is repealed.

7           **SECTION 1665.** 101.143 (3) (cs) 3. of the statutes is renumbered 292.63 (3) (cs)  
8     3. and amended to read:

9           292.63 (3) (cs) 3. In making determinations under ~~subds. subd. 1. and 2.~~, the  
10    ~~department of natural resources and the department of safety and professional~~  
11    ~~services~~ shall determine whether natural attenuation will achieve compliance with  
12    par. (c) 3. and with enforcement standards.

13          **SECTION 1666.** 101.143 (3) (cs) 4. of the statutes is renumbered 292.63 (3) (cs)  
14    4. and amended to read:

15          292.63 (3) (cs) 4. The ~~department of safety and professional services~~ may  
16    review and modify an amount established under subd. 1. if the department  
17    determines that new circumstances, including newly discovered contamination at a  
18    site, warrant those actions. ~~The department of safety and professional services and~~  
19    ~~the department of natural resources may review and modify an amount established~~  
20    ~~under subd. 2. if the departments determine that new circumstances, including~~  
21    ~~newly discovered contamination at a site, warrant those actions.~~

22          **SECTION 1667.** 101.143 (3) (cw) (title) of the statutes is renumbered 292.63 (3)  
23    (cw) (title).

24          **SECTION 1668.** 101.143 (3) (cw) 1. of the statutes is renumbered 292.63 (3) (cw)  
25    1. and amended to read:

1           292.63 (3) (cw) 1. The department of ~~safety and professional services~~ shall  
2       conduct the annual review required under sub. (2) (i) 1. for a site ~~that is classified as~~  
3       ~~low or medium risk under s. 101.144~~ and shall determine the least costly method of  
4       completing remedial action at the site in order to comply with par. (c) 3. and with  
5       enforcement standards. The department shall notify the owner or operator of its  
6       determination of the least costly method and shall notify the owner or operator that  
7       reimbursement under this section for any remedial action conducted after the date  
8       of the notice is limited to the amount necessary to implement that method.

9           **SECTION 1669.** 101.143 (3) (cw) 2. of the statutes is repealed.

10          **SECTION 1670.** 101.143 (3) (cw) 3. of the statutes is renumbered 292.63 (3) (cw)  
11       3. and amended to read:

12          292.63 (3) (cw) 3. In making determinations under subds. subd. 1. and 2., the  
13       ~~department of natural resources and the department of safety and professional~~  
14       ~~services~~ shall determine whether natural attenuation will achieve compliance with  
15       par. (c) 3. and with enforcement standards.

16          **SECTION 1671.** 101.143 (3) (cw) 4. of the statutes is renumbered 292.63 (3) (cw)  
17       4. and amended to read:

18          292.63 (3) (cw) 4. The department of ~~safety and professional services~~ may  
19       review and modify an amount established under subd. 1. if the department  
20       determines that new circumstances, including newly discovered contamination at a  
21       site, warrant those actions. ~~The department of safety and professional services and~~  
22       ~~the department of natural resources may review and modify an amount established~~  
23       ~~under subd. 2. if the departments determine that new circumstances, including~~  
24       ~~newly discovered contamination at a site, warrant those actions.~~

1           **SECTION 1672.** 101.143 (3) (d) of the statutes is renumbered 292.63 (3) (d) and  
2 amended to read:

3           292.63 (3) (d) *Final review of remedial action activities.* The department of  
4 ~~natural resources or, if the discharge is covered under s. 101.144 (2) (b), the~~  
5 ~~department of safety and professional services~~ shall complete a final review of the  
6 remedial action activities within 60 days after the claimant notifies the appropriate  
7 department that the remedial action activities are completed.

8           **SECTION 1673.** 101.143 (3) (e) of the statutes is repealed.

9           **SECTION 1674.** 101.143 (3) (f) of the statutes is renumbered 292.63 (3) (f), and  
10 292.63 (3) (f) 5., as renumbered, is amended to read:

11           292.63 (3) (f) 5. The written approval of the department of ~~natural resources~~  
12 ~~or the department of safety and professional services~~ under par. (c) 4.

13           **SECTION 1675.** 101.143 (3) (g) of the statutes is renumbered 292.63 (3) (g) and  
14 amended to read:

15           292.63 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1. and  
16 2., an owner or operator or the person may submit a claim for an award under sub.  
17 (4) after notifying the department under par. (a) 3., without completing an  
18 investigation under par. (c) 1. and without preparing a remedial action plan under  
19 par. (c) 2., if an emergency existed which made the investigation under par. (c) 1. and  
20 the remedial action plan under par. (c) 2. inappropriate and, before conducting  
21 remedial action, the owner or operator or person notified the department of ~~safety~~  
22 ~~and professional services and the department of natural resources~~ of the emergency  
23 and the department of ~~safety and professional services and the department of~~  
24 ~~natural resources~~ authorized emergency action.

25           **SECTION 1676.** 101.143 (3) (h) of the statutes is renumbered 292.63 (3) (h).

**SECTION 1677.** 101.143 (4) (title) of the statutes is renumbered 292.63 (4) (title).

**SECTION 1678.** 101.143 (4) (a) of the statutes is renumbered 292.63 (4) (a), and 292.63 (4) (a) 6. and 7., as renumbered, are amended to read:

292.63 (4) (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (6) (fr) as awards for petroleum product storage systems described in par. (ei).

7. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (6) (fr) as awards for petroleum product storage systems that are owned by school districts and that are used for storing heating oil for consumptive use on the premises where stored.

**SECTION 1679.** 101.143 (4) (b) of the statutes is renumbered 292.63 (4) (b).

**SECTION 1680.** 101.143 (4) (c) of the statutes is renumbered 292.63 (4) (c), and 292.63 (4) (c) 10. and 12., as renumbered, are amended to read:

292.63 (4) (c) 10. Fees charged under sub. ~~(2) (L)~~ or s. 292.55 (2).

12. Costs that are incurred after the date of a notice under sub. (3) (cw) 1. ~~or~~ 2. and that exceed the amount necessary to comply with sub. (3) (c) 3. and with enforcement standards using the method specified in the notice.

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**SECTION 1681.** 101.143 (4) (cc) of the statutes is renumbered 292.63 (4) (cc).

**SECTION 1682.** 101.143 (4) (ce) of the statutes is renumbered 292.63 (4) (ce).

**SECTION 1683.** 101.143 (4) (cm) of the statutes is renumbered 292.63 (4) (cm).

**SECTION 1684.** 101.143 (4) (d) of the statutes is renumbered 292.63 (4) (d).

**SECTION 1685.** 101.143 (4) (dg) of the statutes is renumbered 292.63 (4) (dg).

**SECTION 1686.** 101.143 (4) (di) of the statutes is renumbered 292.63 (4) (di).

**SECTION 1687.** 101.143 (4) (dm) of the statutes is renumbered 292.63 (4) (dm).

**SECTION 1688.** 101.143 (4) (dr) of the statutes is renumbered 292.63 (4) (dr).



1           **SECTION 1689.** 101.143 (4) (e) of the statutes is renumbered 292.63 (4) (e).

2           **SECTION 1690.** 101.143 (4) (ee) of the statutes is renumbered 292.63 (4) (ee).

3           **SECTION 1691.** 101.143 (4) (ei) of the statutes is renumbered 292.63 (4) (ei), and  
4           292.63 (4) (ei) 1m. a. and b. and 2m., as renumbered, are amended to read:

5           292.63 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel of  
6           35 or more acres of contiguous land, on which the farm tank is located, which is  
7           devoted primarily to agricultural use, as defined in s. 91.01 (2), including land  
8           designated by the department of natural resources as part of the ice age trail under  
9           s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
10          produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
11          which, during the 3 years preceding that submission produced gross farm profits, as  
12          defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
13          which the farm tank is located, of which at least 35 acres, during part or all of the  
14          year preceding that submission, were enrolled in the conservation reserve program  
15          under 16 USC 3831 to 3836.

16          b. The claim is submitted by a person who, at the time that the notification was  
17          made under sub. (3) (a) 3., was the owner of the farm tank and owned a parcel of 35  
18          or more acres of contiguous land, on which the farm tank is or was located, which was  
19          devoted primarily to agricultural use, as defined in s. 91.01 (2), including land  
20          designated by the department of natural resources as part of the ice age trail under  
21          s. 23.17, which during the year preceding that notification produced gross farm  
22          profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years  
23          preceding that notification, produced gross farm profits, as defined in s. 71.58 (4), of  
24          not less than \$18,000, or a parcel of 35 or more acres, on which the farm tank is  
25          located, of which at least 35 acres, during part or all of the year preceding that

1 notification, were enrolled in the conservation reserve program under 16 USC 3831  
2 to 3836.

3 2m. The owner or operator of the farm tank has received a letter or notice from  
4 the department of safety and professional services or department of natural  
5 resources indicating that the owner or operator must conduct a site investigation or  
6 remedial action because of a discharge from the farm tank or an order to conduct such  
7 an investigation or remedial action.

8 **SECTION 1692.** 101.143 (4) (em) of the statutes is renumbered 292.63 (4) (em).

9 **SECTION 1693.** 101.143 (4) (es) of the statutes is renumbered 292.63 (4) (es), and  
10 292.63 (4) (es) 1., as renumbered, is amended to read:

11 292.63 (4) (es) 1. The department shall issue an award for a claim filed after  
12 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
13 by an owner or operator or a person owning a home oil tank system in investigating  
14 the existence of a discharge or investigating the presence of petroleum products in  
15 soil or groundwater if the investigation is undertaken at the written direction of the  
16 department of safety and professional services or the department of natural  
17 resources and no discharge or contamination is found.

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18 **SECTION 1694.** 101.143 (4) (f) of the statutes is renumbered 292.63 (4) (f).

19 **SECTION 1695.** 101.143 (4) (g) of the statutes is renumbered 292.63 (4) (g).

20 **SECTION 1696.** 101.143 (4) (h) of the statutes is renumbered 292.63 (4) (h).

21 **SECTION 1697.** 101.143 (4e) of the statutes is renumbered 292.63 (4e).

22 **SECTION 1698.** 101.143 (4m) of the statutes is renumbered 292.63 (4m).

23 **SECTION 1699.** 101.143 (5) of the statutes is renumbered 292.63 (5).

24 **SECTION 1700.** 101.143 (6) of the statutes is renumbered 292.63 (6).

25 **SECTION 1701.** 101.143 (6s) of the statutes is renumbered 292.63 (6s).

1       **SECTION 1702.** 101.143 (7) of the statutes is renumbered 292.63 (7).

2       **SECTION 1703.** 101.143 (7m) of the statutes is renumbered 292.63 (7m).

3       **SECTION 1704.** 101.143 (9) of the statutes is renumbered 292.63 (9).

4       **SECTION 1705.** 101.143 (9m) of the statutes is renumbered 292.63 (9m).

5       **SECTION 1706.** 101.143 (10) of the statutes is renumbered 292.63 (10).

6       **SECTION 1707.** 101.1435 of the statutes is renumbered 292.64, and 292.64 (1)  
7 (b) and (2) (b), as renumbered, are amended to read:

8       **292.64 (1) (b)** “Underground petroleum product storage tank system” has the  
9 meaning given in s. ~~101.143~~ 292.63 (1) (i).

10       **(2) (b)** Using the method that the department uses to determine inability to pay  
11 under s. ~~101.143~~ 292.63 (4) (ee), the department determines that the owner of the  
12 underground petroleum product storage tank system is unable to pay to empty,  
13 clean, remove, and dispose of the underground petroleum product storage tank  
14 system; to assess the site on which the underground petroleum product storage tank  
15 system is located; and to backfill the excavation.

16       **SECTION 1708.** 101.144 of the statutes is repealed.

17       **SECTION 1708e.** 101.147 of the statutes is repealed.

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18       **SECTION 1708f.** 101.1472 of the statutes is created to read:

19       **101.1472 Contractor regulation. (1)** In this section:

20       (a) “Construction work” means construction, renovation, improvements,  
21 remodeling, installations, alterations, repairs, or demolition activities.

22       (b) “License” means a license, a permit, or a certificate of certification or  
23 registration.

24       **(2)** The department may not promulgate or enforce any rule that requires that  
25 a person who is engaged, or who offers to be engaged, in a business to do construction

1 work hold a license issued under this chapter or ch. 145 unless the rule relates to a  
2 license specifically required by this chapter or ch. 145.

3 **SECTION 1708m.** 101.19 (1g) (m) of the statutes is repealed.

4 **SECTION 1709.** 101.19 (1r) of the statutes is amended to read:

5 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
6 any fee imposed on an individual who is eligible for the veterans fee waiver program  
7 under s. 45.44 for a license, permit, or certificate of certification or registration issued  
8 by the department under ~~ss. 101.09 (3) (e), s. 101.122 (2) (c), 101.143 (2) (g), 101.147,~~  
9 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or  
10 (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,  
11 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16,  
12 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

13 **SECTION 1710.** 101.45 of the statutes is renumbered 16.956.

14 **SECTION 1710m.** 101.575 (4) (a) 1. of the statutes is amended to read:

15 101.575 (4) (a) 1. The department determines that the city, village, town or fire  
16 department is in substantial compliance with sub. (6) and ~~s. ss. 101.14 (2) and~~  
17 ~~101.141 (1) and (2).~~ The department shall establish by rule the meaning of  
18 “substantial compliance” for purposes of this subdivision.

19 **SECTION 1710r.** 101.575 (4) (a) 2. of the statutes is amended to read:

20 101.575 (4) (a) 2. The city, village or town has submitted a form which is signed  
21 by the clerk of the city, village or town and by the chief of the fire department  
22 providing fire protection to that city, village or town, which is provided by the  
23 department by rule and which certifies that the fire department is in substantial  
24 compliance with this section or the department has audited the city, village, town or  
25 fire department and determined that it is in substantial compliance with sub. (6) and

1     ~~s. ss.~~ 101.14 (2) and 101.141 (1) and (2). The department shall establish by rule the  
2     meaning of “substantial compliance” for purposes of this subdivision.

3             **SECTION 1711.** 101.653 (2m) of the statutes is amended to read:

4             101.653 (2m) RULES FOR ADMINISTRATION. The department shall promulgate  
5     rules for the administration of construction site erosion control under this  
6     subchapter by counties, cities, villages and towns, including provisions regarding the  
7     issuance of building permits and the collection and distribution of fees.

8             **SECTION 1712.** 101.653 (8) of the statutes is created to read:

9             101.653 (8) INAPPLICABILITY. This section does not apply to a construction site  
10    that has a land disturbance area that is one acre or more in area.

11            **SECTION 1712g.** 101.983 (2) (title) of the statutes is amended to read:

12            101.983 (2) (title) OPERATION; INSPECTIONS.

13            **SECTION 1712m.** 101.983 (2) (e) of the statutes is created to read:

14            101.983 (2) (e) *Exemption.* This subsection does not apply to elevators or  
15    dumbwaiters that serve individual residential dwelling units.

16            **SECTION 1712r.** 101.983 (3) of the statutes is created to read:

17            101.983 (3) INSPECTIONS; INDIVIDUAL RESIDENTIAL DWELLING UNITS. No owner of  
18    a residence may sell or otherwise transfer an individual residential dwelling unit  
19    that is served by a dumbwaiter or an elevator unless the owner provides the  
20    purchaser or transferee, prior to the sale or transfer of the property, with an  
21    inspection report from an elevator inspector licensed under s. 101.985 (3) that  
22    indicates that the dumbwaiter or elevator complies with this subchapter and any  
23    applicable rules promulgated under this subchapter.

24            **SECTION 1713.** 102.07 (17m) of the statutes is amended to read:

1           102.07 (17m) A participant in a trial employment match program job under s.  
2           49.147 (3) is an employee of any employer under this chapter for whom the  
3           participant is performing service at the time of the injury.

4           **SECTION 1714.** 102.75 (1m) of the statutes is amended to read:

5           102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and  
6           102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible  
7           fund designated as the worker's compensation operations fund. Moneys in the fund  
8           may be expended only as provided in s. 20.445 (1) (ra), (rb), and (rp) and (2) (ra) and  
9           may not be used for any other purpose of the state.

10          **SECTION 1714d.** 106.32 of the statutes is created to read:

11          **106.32 Veteran employment grants. (1) DEFINITIONS.** In this section:

12          (a) "Disabled veteran" means a veteran who is verified by the department of  
13          veterans affairs to have a service-connected disability rating of at least 50 percent  
14          under 38 USC 1114 or 1134.

15          (b) "Full-time job" means a regular, nonseasonal full-time position in which  
16          an individual, as a condition of employment, is required to work at least 2,080 hours  
17          per year, including paid leave and holidays.

18          (c) "Part-time job" means a regular, nonseasonal part-time position in which  
19          an individual, as a condition of employment, is required to work fewer than 2,080  
20          hours per year, including paid leave and holidays.

21          (d) "Veteran" means a person who is verified by the department of veterans  
22          affairs to have served on active duty under honorable conditions in the U.S. armed  
23          forces, in forces incorporated as part of the U.S. armed forces, in the national guard,  
24          or in a reserve component of the U.S. armed forces.

1           (2) GRANTS. (a) Beginning on the effective date of this paragraph .... [LRB  
2       inserts date], from the appropriation account under s. 20.445 (1) (q), the department  
3       shall award a grant in any of the following amounts to any person who hires a  
4       disabled veteran to work at a business in this state:

5           1. For each disabled veteran the person hires in the calendar year to work a  
6       full-time job at the person's business in this state, \$4,000 in the calendar year in  
7       which the disabled veteran is hired and \$2,000 in each of the 3 calendar years  
8       following the calendar year in which the disabled veteran is hired.

9           2. Subject to sub. (3) (c), for each disabled veteran the person hires in the  
10      calendar year to work a part-time job at the person's business in this state, \$2,000  
11      in the calendar year in which the disabled veteran is hired and \$1,000 in each of the  
12      3 calendar years following the calendar year in which the disabled veteran is hired.

13          (b) A person shall apply for a grant under this section in the manner prescribed  
14      by the department.

15          (3) LIMITATIONS. (a) The department shall not pay a grant to an applicant in  
16      any calendar year in which the disabled veteran voluntarily or involuntarily leaves  
17      his or her employment with the applicant.

18          (b) The department shall pay a grant under this section only for hiring a  
19      disabled veteran who has received unemployment compensation benefits for at least  
20      one week prior to being hired by the applicant, who was receiving such benefits at  
21      the time that he or she was hired by the applicant, and who was eligible to receive  
22      such benefits at the time the benefits were paid.

23          (c) The department shall determine the amount of the grant under sub. (2) (a)  
24      2. as follows:

1           1. Divide the number of hours that the disabled veteran worked for the  
2           applicant during the calendar year by 2,080.

3           2. Multiply the amount of the grant under sub. (2) (a) 2., as appropriate, by the  
4           number determined under subd. 1.

5           **SECTION 1714t.** 108.02 (3) of the statutes is created to read:

6           108.02 (3) ALCOHOL BEVERAGES. “Alcohol beverages” has the meaning given in  
7           s. 125.02 (1).

8           **SECTION 1714u.** 108.02 (9) of the statutes is created to read:

9           108.02 (9) CONTROLLED SUBSTANCE. “Controlled substance” has the meaning  
10          given in s. 961.01 (4).

11          **SECTION 1714um.** 108.02 (9m) of the statutes is created to read:

12          108.02 (9m) CONTROLLED SUBSTANCE ANALOG. “Controlled substance analog”  
13          has the meaning given in s. 961.01 (4m).

14          **SECTION 1714w.** 108.02 (15m) (intro.) of the statutes is amended to read:

15          108.02 (15m) FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~  
16          (r), “family “Family corporation” means:

17          **SECTION 1715.** 108.02 (21e) (intro.) of the statutes is amended to read:

18          108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) “Professional  
19          employer organization” means any person who is currently registered as a  
20          professional employer organization with the department of safety and professional  
21          services financial institutions in accordance with subch. III of ch. 461 202, who  
22          contracts to provide the nontemporary, ongoing employee workforce of more than one  
23          client under a written leasing contract, the majority of whose clients are not under  
24          the same ownership, management, or control as the person other than through the  
25          terms of the contract, and who under contract and in fact:



1       **SECTION 1716.** 108.04 (2) (a) 2. of the statutes, as affected by 2013 Wisconsin  
2 Act 11, is amended to read:

3       108.04 (2) (a) 2. Except as provided in s. 108.062 (10m), as of that week, the  
4 individual has registered for work as directed by the department; and

5       **SECTION 1717.** 108.04 (2) (a) 3. (intro.) of the statutes, as affected by 2013  
6 Wisconsin Act 11, is amended to read:

7       108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for  
8 suitable work during that week, unless the search requirement is waived under par.  
9 (b) or s. 108.062 (10m). The search for suitable work must include ~~2~~ at least 4 actions  
10 per week that constitute a reasonable search as prescribed by rule of the department.

11 In addition, the department may, by rule, require an individual to take more than  
12 4 reasonable work search actions in any week. The department shall require a  
13 uniform number of reasonable work search actions for similar types of claimants.

14 This subdivision does not apply to an individual if the department determines that  
15 the individual is currently laid off from employment with an employer but there is  
16 a reasonable expectation of reemployment of the individual by that employer. In  
17 determining whether the individual has a reasonable expectation of reemployment

18 by an employer, the department shall request the employer to verify the individual's  
19 employment status and shall also consider other factors, including:

20       **SECTION 1717b.** 108.04 (2) (i) of the statutes is created to read:

21       108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is  
22 subject to the requirement under par. (a) 3. to conduct a reasonable search for  
23 suitable work has not conducted a reasonable search for suitable work in a given  
24 week if all of the following apply:

25       a. The claimant was last employed by a temporary help company.

b. The temporary help company required the claimant to contact the temporary help company about available assignments weekly, or less often as prescribed by the temporary help company, and the company gave the claimant written notice of that requirement at the time the claimant was initially employed by the company.

c. During that week, the claimant was required to contact the temporary help company about available assignments and the claimant did not contact the temporary help company about available assignments.

d. The temporary help company submits a written notice to the department within 10 business days after the end of that week reporting that the claimant did not contact the company about available assignments.

2. A claimant may only rebut the presumption under subd. 1. if the claimant demonstrates one of the following to the department for a given week:

a. That the claimant did contact the temporary help company about available assignments during that week.

b. That the claimant was not informed by the temporary help company of the requirement to contact the temporary help company or had other good cause for his or her failure to contact the temporary help company about available assignments during that week.

3. If a claimant who was last employed by a temporary help company contacts the temporary help company during a given week about available assignments, that contact constitutes one action that constitutes a reasonable search for suitable work, for purposes of par. (a) 3.

**SECTION 1717d.** 108.04 (5) of the statutes is renumbered 108.04 (5) (intro.) and amended to read:

1           108.04 (5) DISCHARGE FOR MISCONDUCT. (intro.) ~~Unless sub. (5g) results in~~  
2     ~~disqualification, an~~ An employee whose work is terminated by an employing unit for  
3     misconduct by the employee connected with the employee's work is ineligible to  
4     receive benefits until 7 weeks have elapsed since the end of the week in which the  
5     discharge occurs and the employee earns wages after the week in which the  
6     discharge occurs equal to at least 14 times the employee's weekly benefit rate under  
7     s. 108.05 (1) in employment or other work covered by the unemployment insurance  
8     law of any state or the federal government. For purposes of requalification, the  
9     employee's weekly benefit rate shall be ~~that~~ the rate ~~which~~ that would have been paid  
10    had the discharge not occurred. The wages paid to an employee by an employer  
11    which terminates employment of the employee for misconduct connected with the  
12    employee's employment shall be excluded from the employee's base period wages  
13    under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not  
14    preclude an employee who has employment with an employer other than the  
15    employer which terminated the employee for misconduct from establishing a benefit  
16    year using the base period wages excluded under this subsection if the employee  
17    qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall  
18    charge to the fund's balancing account any benefits otherwise chargeable to the  
19    account of an employer that is subject to the contribution requirements under ss.  
20    108.17 and 108.18 from which base period wages are excluded under this subsection.  
21    For purposes of this subsection, "misconduct" means one or more actions or conduct  
22    evincing such willful or wanton disregard of an employer's interests as is found in  
23    deliberate violations or disregard of standards of behavior which an employer has a  
24    right to expect of his or her employees, or in carelessness or negligence of such degree  
25    or recurrence as to manifest culpability, wrongful intent, or evil design of equal

1 severity to such disregard, or to show an intentional and substantial disregard of an  
2 employer's interests, or of an employee's duties and obligations to his or her  
3 employer. In addition, "misconduct" includes:

4 **SECTION 1717f.** 108.04 (5) (a) to (g) of the statutes are created to read:

5 108.04 (5) (a) A violation by an employee of an employer's reasonable written  
6 policy concerning the use of alcohol beverages, or use of a controlled substance or a  
7 controlled substance analog, if the employee:

8 1. Had knowledge of the alcohol beverage or controlled substance policy; and

9 2. Admitted to the use of alcohol beverages or a controlled substance or  
10 controlled substance analog or refused to take a test or tested positive for the use of  
11 alcohol beverages or a controlled substance or controlled substance analog in a test  
12 used by the employer in accordance with a testing methodology approved by the  
13 department.

14 (b) Theft of an employer's property or services with intent to deprive the  
15 employer of the property or services permanently, theft of currency of any value,  
16 felonious conduct connected with an employee's employment with his or her  
17 employer, or intentional or negligent conduct by an employee that causes substantial  
18 damage to his or her employer's property.

19 (c) Conviction of an employee of a crime or other offense subject to civil  
20 forfeiture, while on or off duty, if the conviction makes it impossible for the employee  
21 to perform the duties that the employee performs for his or her employer.

22 (d) One or more threats or acts of harassment, assault, or other physical  
23 violence instigated by an employee at the workplace of his or her employer.

24 (e) Absenteeism by an employee on more than 2 occasions within the 120-day  
25 period before the date of the employee's termination, unless otherwise specified by

1 his or her employer in an employment manual of which the employee has  
2 acknowledged receipt with his or her signature, or excessive tardiness by an  
3 employee in violation of a policy of the employer that has been communicated to the  
4 employee, if the employee does not provide to his or her employer both notice and one  
5 or more valid reasons for the absenteeism or tardiness.

6 (f) Unless directed by an employee's employer, falsifying business records of the  
7 employer.

8 (g) Unless directed by the employer, a willful and deliberate violation of a  
9 written and uniformly applied standard or regulation of the federal government or  
10 a state or tribal government by an employee of an employer that is licensed or  
11 certified by a governmental agency, which standard or regulation has been  
12 communicated by the employer to the employee and which violation would cause the  
13 employer to be sanctioned or to have its license or certification suspended by the  
14 agency.

15 **SECTION 1717h.** 108.04 (5g) of the statutes is repealed and recreated to read:

16 108.04 (5g) DISCHARGE FOR SUBSTANTIAL FAULT. (a) An employee whose work is  
17 terminated by an employing unit for substantial fault by the employee connected  
18 with the employee's work is ineligible to receive benefits until 7 weeks have elapsed  
19 since the end of the week in which the termination occurs and the employee earns  
20 wages after the week in which the termination occurs equal to at least 14 times the  
21 employee's weekly benefit rate under s. 108.05 (1) in employment or other work  
22 covered by the unemployment insurance law of any state or the federal government.  
23 For purposes of requalification, the employee's benefit rate shall be the rate that  
24 would have been paid had the discharge not occurred. For purposes of this  
25 paragraph, "substantial fault" includes those acts or omissions of an employee over

1 which the employee exercised reasonable control and which violate reasonable  
2 requirements of the employee's employer but does not include any of the following:

3 1. One or more minor infractions of rules unless an infraction is repeated after  
4 the employer warns the employee about the infraction.

5 2. One or more inadvertent errors made by the employee.

6 3. Any failure of the employee to perform work because of insufficient skill,  
7 ability, or equipment.

8 (b) The department shall charge to the fund's balancing account the cost of any  
9 benefits paid to an employee that are otherwise chargeable to the account of an  
10 employer that is subject to the contribution requirements under ss. 108.17 and  
11 108.18 if the employee is discharged by the employer and paragraph (a) applies.

12 **SECTION 1717j.** 108.04 (7) (a) of the statutes is amended to read:

13 108.04 (7) (a) If an employee terminates work with an employing unit, the  
14 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~  
15 ~~of the week in which the termination occurs and~~ the employee earns wages after the  
16 week in which the termination occurs equal to at least ~~4~~ 6 times the employee's  
17 weekly benefit rate under s. 108.05 (1) in employment or other work covered by the

18 unemployment insurance law of any state or the federal government. For purposes  
19 of requalification, the employee's weekly benefit rate shall be that rate which would  
20 have been paid had the termination not occurred. This paragraph does not preclude  
21 an employee from establishing a benefit year by using the base period wages paid by  
22 the employer from which the employee voluntarily terminated, if the employee is  
23 qualified to establish a benefit year under s. 108.06 (2) (a).

24 **SECTION 1717L.** 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r) of the statutes  
25 are repealed.

1           **SECTION 1717n.** 108.04 (7) (e) of the statutes is amended to read:

2           108.04 (7) (e) Paragraph (a) does not apply if the department determines that  
3           the employee accepted work which the employee could have failed to accept with good  
4           cause under sub. (8) and terminated such work with the same good cause and within  
5           the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee  
6           accepted work which the employee could have refused under sub. (9) and terminated  
7           such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For  
8           purposes of this paragraph, an employee has the same good cause for voluntarily  
9           terminating work if the employee could have failed to accept the work under sub. (8)  
10          (d) when it was offered, regardless of the reason articulated by the employee for the  
11          termination.

12          **SECTION 1717p.** 108.04 (7) (h) of the statutes is amended to read:

13          108.04 (7) (h) The department shall charge to the fund's balancing account  
14          benefits paid to an employee that are otherwise chargeable to the account of an  
15          employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
16          if the employee voluntarily terminates employment with that employer and par. (a),  
17          (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t) applies.

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18          **SECTION 1717r.** 108.04 (7) (L) (intro.) of the statutes is amended to read:

19          108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department  
20          determines that the employee terminated work to accept employment or other work  
21          covered by the unemployment insurance law of any state or the federal government,  
22          ~~and earned wages in the subsequent work equal to at least 4 times the employee's~~  
23          ~~weekly benefit rate under s. 108.05 (1) if the work:~~

24          **SECTION 1717t.** 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.)  
25          and amended to read:

1           108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department  
2 determines that ~~the~~ all of the following apply to an employee:

3           1. The employee's spouse changed his or her place of employment is a member  
4 of the U.S. armed forces on active duty.

5           2. The employee's spouse was required by the U.S. armed forces to relocate to  
6 a place to which it is impractical for the employee to commute and the.

7           3. The employee terminated his or her work to accompany the spouse to that  
8 place.

9           **SECTION 1717v.** 108.05 (3) (c) (intro.) of the statutes, as affected by 2013  
10 Wisconsin Act 11, is amended to read:

11           108.05 (3) (c) (intro.) Except when otherwise authorized in an approved  
12 work-share program under s. 108.062 and except as provided in par. (cm), a claimant  
13 is ineligible to receive any benefits for a week in which one or more of the following  
14 applies to the claimant for 32 or more hours in that week:

15           **SECTION 1717x.** 108.05 (3) (cm) of the statutes is created to read:

16           108.05 (3) (cm) 1. In this paragraph:

17           a. "Complete business shutdown" means that all locations operated by an  
18 employer are closed for business completely and no employee employed by the  
19 business is required by the employer to report for work or be available for work.

20           b. "State or federal holiday" means a day specified in s. 230.35 (4) (a) or in 5 USC  
21 6103 (a).

22           2. An employer may, on or before December 1, provide to the department a  
23 written notice designating that the employer will undergo a complete business  
24 shutdown on one or more state or federal holidays in the succeeding calendar year.



1 An employer may not designate more than 7 state or federal holidays under this  
2 subdivision for a complete business shutdown during the succeeding calendar year.

3 3. A notice under subd. 2. is not valid for any year subsequent to the succeeding  
4 calendar year.

5 4. The number of hours specified in par. (c), as it applies to a claimant, is  
6 reduced by 8 hours for the week during which a state or federal holiday occurs if all  
7 of the following apply:

8 a. The claimant has base period wages only from the employer under subd. 2.

9 b. The employer designated the state or federal holiday for a complete business  
10 shutdown under subd. 2. and underwent a complete business shutdown on that day.

11 5. If an employer that provides a notice under subd. 2. will not or does not  
12 undergo a complete business shutdown on a state or federal holiday as designated  
13 in the notice, the employer shall, no later than the first business day following the  
14 week in which the state or federal holiday occurs, provide the department with a  
15 written notice indicating that the complete business shutdown will not or did not  
16 occur.

17 **SECTION 1718.** 108.14 (7) (bm) of the statutes is created to read:

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18 108.14 (7) (bm) Upon request of the department of revenue, the department  
19 may provide information, including social security numbers, concerning claimants  
20 to the department of revenue for the purpose of administering state taxes,  
21 identifying fraudulent tax returns, providing information for tax-related  
22 prosecutions, or locating persons or the assets of persons who have failed to file tax  
23 returns, who have underreported their taxable income, or who are delinquent  
24 debtors. The department of revenue shall adhere to the limitation on inspection and  
25 disclosure of the information under par. (b).

**SECTION 1718e.** 108.14 (8n) (e) of the statutes is amended to read:

108.14 (8n) (e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except that if s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an employer who is subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

**SECTION 1718m.** 108.141 (7) (a) of the statutes is amended to read:

108.141 (7) (a) The department shall charge the state's share of each week of extended benefits to each employer's account in proportion to the employer's share of the total wages of the employee receiving the benefits in the employee's base period, except that if the employer is subject to the contribution requirements of ss. 108.17 and 108.18 the department shall charge the share of extended benefits to which s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

**SECTION 1718s.** 108.16 (13) of the statutes is created to read: